

U.S. Patent Application Serial No.: 09/280,699
Request for Reconsideration dated August 20, 2004
Response to the Office Action of May 21, 2004

REMARKS

Claims 1, 4, 7, 20 and 16 – 21 remain pending in the present application. No amendments were made by the present response. Reconsideration of the claims is respectfully requested in view of the following discussion.

Rejections Under 35 U.S.C. §103

Claims 1, 4, 7, 10, and 16 – 20 were rejected under 35 U.S.C. §103 over Ushiki et al. (JP 9-259391) in view of Urabe.

The same primary reference to Ushiki was maintained from the prior Office Action. Now, the Final Office Action made the further reference to Urabe for disclosing various mobile communication systems, including PHS telephones in Japan. However, the Office Action does not identify what the Urabe reference is, but the Applicant assumes it is USP 6,125,282 which is discussed in other related applications. Proper identification of the references discussed in the Office Action is respectfully requested.

The reasoning for combining these references as set forth in the Office Action is that “Urabe states that they are the types of digital phones used in the environment to which Ushiki is applied.” However, even if these references were combined, for the sake of argument, the present invention is still not achieved.

First, as acknowledged in the Office Action, Ushiki fails to disclose identifying the “type” of phone that includes one capable of communication while moving and one which does not. In addition, Ushiki does not address an “environment” in which digital phones are using

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two different communication protocols - one suited and a second one *not* suited, for making a communication while moving. In this regard, Ushiki only requires that the *same* communication protocol is used. The emphasis in Ushiki is identifying different "models" of telephone (i.e., a digital 9600 telephone or a digital 2400 telephone) - without addressing an environment employing *different* communication protocols.

Second, the further reference to Urabe does not remedy the deficiencies in the primary reference to Ushiki. Urabe does not address the specific manner in which the "type" of portable telephone set is identified in the present claimed invention. Urabe describes a portable information terminal having a mobile communication function accessing different communication systems (third embodiment, see, e.g., column 7, lines 53-67). Such different communication systems have pre-defined access information stored in respective tables (see, e.g., column 8, lines 1-8). Selection of one of the different communication systems is done by a pre-determined priority (see, e.g., column 8, lines 45-60; Fig. 8; and step 101 of Fig. 10). The communication system is "switched" by selection of the highest priority table entry (column 8, lines 61-63). No further details are given as to exactly how the "switch" occurs. There is no disclosure or suggestion for selecting between different communication systems based on a response to an operation start signal of a communication protocol which is output to a data interface part of a portable telephone set.

Nothing in either Ushiki or in Urabe, either alone or in combination, teaches or suggests the present claimed invention having a specific manner of identification of the type of portable telephone set having one of at least two different types of communication protocols. In

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particular, independent claims 1, 4, 7 and 10 recite “identifying the type of the portable telephone set *based on a response with respect to an operation start signal of the communication protocol which is output to a data interface part of the portable telephone set.*” As explained above, the disclosures of Ushiki do not contemplate an environment employing different communication protocols and the disclosures of Urabe rely on information tables with pre-defined priorities for selecting one of different communication systems. Nothing in the prior art, either alone or in combination, teaches or suggests identification of the type of portable telephone set connected to a data processing apparatus based on a response to an operation start signal of one of the different communication protocols. And, since these features are not disclosed, the cited prior art also do not teach or suggest “setting information indicating the communication protocol corresponding to the identified type of the portable telephone.” For at least these reasons, the present claimed invention patentably distinguishes over the prior art.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact the undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

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In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees that may be due with respect to this paper to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP



John P. Kong
Attorney for Applicant
Registration No. 40,054

JPK:kal
1250 Connecticut Avenue, NW
Suite 700
Washington, D.C. 20036
(202) 822-1100
Enclosures: Change of Correspondence Address - Application
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